



PATENT
Customer No. 22,852
Attorney Docket No. 09090.0002-01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Darin Wayne HIGGINS et al.) Group Art Unit: 2672
)
Application No.: 09/820,552) Examiner: AMINI, Javid A.
)
Filed: March 29, 2001)
)
For: SYSTEM AND METHOD FOR) Confirmation No.: 4976
SYNCHRONIZING RASTER AND)
VECTOR MAP IMAGES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT- PRE-GRANT

In accordance with 37 C.F.R. § 1.705(b), Applicants hereby apply for patent term adjustment under 35 U.S.C. § 154(b) of 203 days. This application is being filed before or with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

I. Statement of the Facts Involved

A. Correct Patent Term Adjustment

Applicants received the Determination of Patent Term Adjustment with the Notice of Allowance and Fee(s) Due mailed from the Patent and Trademark Office (PTO) on June 5, 2006, advising that this application is entitled to 74 days of patent term adjustment.

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Applicants have calculated a patent term adjustment of 203 days based on the following facts:

B. Relevant Dates

The above-identified application was filed March 29, 2001.

The first Office Action was mailed on October 28, 2002, resulting in a PTO delay of 152 days beyond the 14 months provided by 35 U.S.C. § 154(b).

An Amendment by Applicants was filed February 28, 2003, with an Information Disclosure Statement (IDS), which should have resulted in Applicants incurring a term reduction of 31 days.

However, the PTO misplaced the Amendment of February 28, 2003, and a replacement copy of the Amendment, including a copy of the date stamped postcard showing the original filing date of the Amendment, was submitted on May 2, 2003.

A copy of the date stamped postcard showing the original February 28, 2003, filing date of the Amendment is attached hereto.

This seems to have resulted in the PTO erroneously assessing a term reduction of 94 days, using the May 2, 2003, date as the filing date of the Amendment instead of the correct Amendment filing date of February 28, 2003. Furthermore, this resulted in the PTO erroneously applying May 2, 2003, as the date from which to measure delay in sending the next Office Action.

A second Office Action was mailed November 3, 2003, resulting in a PTO delay of 128 days.

A response and an IDS by Applicants were filed February 2, 2004.

A third Office Action was mailed April 23, 2004.

A response by Applicants was filed July 23, 2004.

A fourth Office Action was mailed January 10, 2005, resulting in a PTO delay of 48 days.

A response and an IDS by Applicants was filed on May 10, 2005, resulting in Applicants incurring a term reduction of 30 days.

A fifth Office Action was mailed June 29, 2005.

A response by Applicants was filed on September 29, 2005.

An IDS by Applicants was filed on October 20, 2005, resulting in Applicants incurring a term reduction of 21 days.

A sixth Office Action was mailed December 15, 2005.

A response by Applicants was filed April 27, 2006, resulting in Applicants incurring a term reduction of 43 days.

The Notice of Allowance was mailed on June 5, 2006.

The Issue Fee has not yet been paid.

Thus, the total PTO term extension based on delay is 328 days and the total term reduction based on Applicants' action is 125 days, resulting in a net patent term adjustment of 203 days. Applicants respectfully request that the current patent term adjustment be reconsidered.

C. Terminal Disclaimer

The above-identified application is not subject to a Terminal Disclaimer.

II. Fee

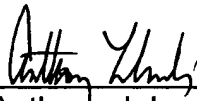
As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee set forth in 37 C.F.R. § 1.18(e). If there

are any other fees due in connection with the filing of this request, please charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 19, 2006

By: 
Anthony J. Lombardi
Reg. No. 53,232

Attachment: Copy of February 28, 2003, date stamped postcard (1 page).



PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Darin Wayne HIGGINS et al.

Application No.: 09/820,552

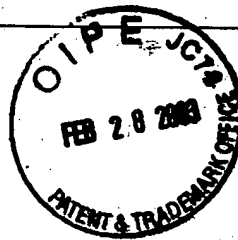
Group Art Unit: 2672

Filed: March 29, 2001

Examiner: Javid A. Amini

For: SYSTEM AND METHOD FOR SYNCHRONIZING RASTER AND VECTOR MAP IMAGES

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1. Amendment
 2. Information Disclosure Statement
 3. PTO Form 1449
 4. Petition for Extension of Time
 5. Change of Customer Number and Correspondence Address
 6. Checks for \$180 - ids fee and \$55.00 - one month extension of time



Dated: February 28, 2003

Docket No.: 9090.0002-01

(Due Date: 2/28/03)

Leonard Smith

(Return to Barbara DeBord - Mail Drop 1040)

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